

S/N: 09/933,705  
Attorney Docket: 251768/00 (NEC.208)

Page 12

**REMARKS**

Claims 1, 3-11, 23, and 25-39 are all of the claims presently pending in the application. Claims 2, 12-22, and 24 are canceled. New claims 32-39 are added.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-3, 6, 12-15, 17, 19-21, and 23-25 stand rejected under 35 USC §102(e) as anticipated by US Patent 5,923,453 to Yoneyama. Claims 4, 5, 7-11, 16, 18, 22, and 26-31 stand rejected under 35 USC §103(a) as unpatentable over Yoneyama.

The prior art rejections are respectfully traversed in view of the following discussion.

**I. THE CLAIMED INVENTION**

Applicant's invention, as disclosed and claimed in independent claim 1, is directed to an optical transmission path monitoring system for monitoring optical transmission paths by wavelength-division multiplexing probe lights with signal lights of a wavelength division multiplexing optical transmission system. The monitoring system includes an optical fiber monitoring probe light for monitoring optical fibers, which constitute some parts of the optical transmission paths, and an optical amplifier-repeater monitoring probe light for monitoring optical amplifier-repeaters, which constitute other parts of said optical transmission paths. A wavelength of the optical fiber monitoring probe light comprises such a wavelength as makes wavelength dispersion in the optical transmission paths negative, and a wavelength of the optical amplifier-repeater monitoring probe light comprises such a wavelength as makes wavelength dispersion in the optical transmission paths positive.

As explained at lines 4-9 of page 3 of the present Application, the conventional methods monitor either only optical amplifiers are mainly monitored or optical fibers and optical amplifier-repeaters are collectively monitored as an optical transmission path without strictly differentiating them.

**II. THE PRIOR ART REJECTIONS**

The Examiner alleges that Yoneyama anticipates claims 1-3, 6, 12-15, 17, 19-21, and 23-25 and renders obvious the present invention defined by claims 4, 5, 7-11, 16, 18, 22, and

S/N: 09/933,705                          Page 13  
Attorney Docket: 251768/00 (NEC.208)

26-31. Applicant respectfully disagrees.

In the present invention, the first probe light (e.g., the optical fiber monitoring probe light 111) supervises optical fibers 21 using the Rayleigh backward-scattering effect (see p.14 at line 21), and the second probe light (e.g., the optical amplifier-repeater monitoring probe light 112) supervises the optical amplifier repeaters 22 without using the Rayleigh backward-scattering effect.

In contrast, Yoneyama discloses that the first supervisory signal light (e.g.,  $\lambda sv1$ ) supervises the first optical fiber transmission line 41a (upstream line) using the Rayleigh backward-scattering effect (see Fig. 9), and the second supervisory signal light (e.g.,  $\lambda sv2$ ) supervises the second optical fiber transmission line 41b (downstream line) using the Rayleigh backward-scattering effect (see Fig. 10). Thus, both the first supervisory signal light and the second supervisory signal light supervise only optical fibers in Yoneyama.

Therefore, relative to the evaluation of original claims 1, 13, and 23, Applicant submits that the cursory conclusive statements of the rejection currently of record fail to meet the initial burden of a *prima facie* rejection, since the description at lines 13-20 and 35-40 of column 11 of Yoneyama do not satisfy the plain meaning of the claim language of these claims. If the Examiner wishes to maintain this rejection based on this reference, Applicant respectfully requests that the Examiner provide an indication of specific components in the appropriate figure(s) and specific lines in the specification that confirm these claimed features.

Furthermore, in the present invention, the wavelength of the optical fiber monitoring probe light comprises such a wavelength as makes wavelength dispersion in the optical transmission paths negative. Thereby, influence of nonlinear deterioration in the optical fiber can be lessened by using the first probe light (see p. 22, line 24 to p. 23, line 3). The wavelength of the optical amplifier-repeater monitoring probe light comprises such a wavelength as makes wavelength dispersion in the optical transmission paths positive. Thereby, output fluctuations in the repeaters can be monitored with high sensitivity by using the second probe light (see p. 23, lines 4-7).

That is, contrary to the Examiner's allegation relative to claims 2, 14, and 24, Figures 9 and 10 do not show suggest negative/positive wavelength dispersion as described in the claims, unless the Examiner can point to some description in the specification of Yoneyama

S/N: 09/933,705                          Page 14  
Attorney Docket: 251768/00 (NEC.208)

that satisfies the plain meaning of these terms of art. The Examiner is requested to consult the description particularly on page 12 of the present application for a description of this terminology.

Therefore, Applicant submits that the present invention is patentably different from Yoneyama in view of objects, constitutions, actions, and effects.

Hence, turning to the clear language of the claims, in Yoneyama there is no teaching or suggestion of: "...wherein a wavelength of said optical fiber monitoring probe light comprises such a wavelength as makes wavelength dispersion in said optical transmission paths negative, and a wavelength of said optical amplifier-repeater monitoring probe light comprises such a wavelength as makes wavelength dispersion in said optical transmission paths positive", as required by independent claim 1. The remaining independent claims have similar language to at least one of these exemplary distinguishing features of the present invention.

Therefore, Applicant submits that all pending claims are patentable over Yoneyama, if for no reason than dependence from these independent claims.

However, Applicant makes the following comments relative to the rejection of claims 3, 15, and 25. Contrary to the Examiner characterization, optical fibers are designed to be unique in wavelength dispersion characteristics, as clearly described in the present application at, for example, lines 6-17 of page 12 of the specification. The rejection currently of record simply fails to provide patentable weight to the plain meaning of the claims. That is, it is brought to the Examiner's attention that specific components are described in the claim language, in addition to specific wavelength descriptions.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 3-11, 23, and 25-39, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

S/N: 09/933,705                                  Page 15  
Attorney Docket: 251768/00 (NEC.208)

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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